

## 10

**Energy Facility Planning Process****Program Requirements**

The ICMP contains the state's planning process for energy facilities which are likely to be located in or which may significantly affect the coastal zone, including the process for managing impacts resulting from facilities. The CZMA defines "energy facilities" as any equipment or facility which is, or will be used primarily in the exploration for, or the development, production, conversion, storage, transfer, processing, or transportation of, any energy resource; or, for the manufacture, production, or assembly of equipment, machinery, products, or devices involved. The term "energy facilities" includes, but is not limited to the following:

- Electric generating plants;
- Petroleum refineries and associated facilities;
- Gasification plants;
- Facilities used for transportation, conversion, treatment, transfer, or storage of liquefied natural gas;
- Uranium enrichment or nuclear fuel processing facilities;
- Oil and gas facilities, including platforms, assembly plants, storage depots, tank farms, crew and supply bases, and refining complexes;
- Facilities including deepwater ports, for petroleum transfer;
- Pipelines and transmission facilities; and
- Terminals associated with any of the above mentioned facilities.

The ICMP process will identify energy facilities likely to locate in or which may significantly affect our coastal zone, and procedures for assessing site suitability. It must also identify enforceable state laws and authorities for managing impacts from these facilities and procedures for public participation and input in planning, siting, and management of such facilities. The ICMP will adequately consider national interest in planning, siting, and management of energy facilities which are of greater than local significance.

**Existing Energy Facilities Located within the ICMP Boundary**

The ICMP coastal zone land area includes the 85 square mile "present-day watershed," and the inland waterway corridors which add roughly another 25 square miles. Due to the highly urbanized and developed nature of Illinois' coastal zone, siting new land based major energy facilities within the boundary is likely limited to areas in the northern portion of Lake County or within the Lake Calumet area in southern Cook County.

- Electric generating plants – nuclear

There are no active nuclear power plants within the ICMP boundary. The Zion Station, located on a 257 acre site on the western shore of Lake Michigan in the community of Zion, is a former nuclear generating facility. After over 20 years of operation, Zion's two reactors were permanently shut down in 1998. All nuclear fuel has been removed from the reactor vessel. Currently, 1,019 metric tons of spent nuclear fuel is being stored in the plant's onsite spent fuel pool. Exelon announced in December

2007 that it had contracted with ZionSolutions, an EnergySolutions company, to decommission the nuclear power plant. ZionSolutions intends to remove all structures and components, except for the switchyard, and debris, and return most of the site to a Greenfield status. In September 2010, the United States Nuclear Regulatory Commission approved the transfer of the plant's license from Exelon to ZionSolutions. During the decommissioning process, ZionSolutions will remove the spent nuclear fuel from the spent fuel pool and place the fuel into dry storage casks. The casks will be placed in an Independent Spent Fuel Storage Installation (ISFSI), which will be constructed on site. The ISFSI will include a concrete pad, on which the casks will be placed, a surrounding security fence, guard shack and other support structures. Including the security exclusion zone, the ISFSI will occupy a 5 to 6 acre site. The decommissioning is scheduled for completion in 2018, at which time the license for the ISFSI will be transferred to Exelon. Exelon will retain title to the real property and the spent nuclear fuel during this entire process. The switchyard will remain intact and be operated by Commonwealth Edison for distribution and voltage stabilization.

There are no Petroleum Refineries, Gasification Plants, Uranium Enrichment, or Nuclear Fuel processing facilities located within the ICMP boundary.

- Existing Electric generating plants - fossil fuel or biogas (Source: IEPA Clean Air Act Permit Program)

Below is a listing of existing electric generating facilities located within, or in close proximity to the ICMP boundary to identify facilities where modifications, including an expansion of a facility, may occur. Existing facilities often undergo equipment modifications or plant expansions with changes in energy demands, financial incentives, and regulatory requirements. A new energy facility may also locate at or near an existing facility, or within an abandoned industrial area, due to present infrastructure and land use. The listing is for general information only. More detailed information can be found at the USEPA website by inserting the USEPA Federal Registration System Number (FRS).

<u>PLANT FACILITY NAME</u>	<u>ADDRESS</u>	<u>FUEL</u>	<u>Nom</u>	<u>NPR</u>	<u>USEPA FRS</u>	<u>IEPA SID</u>
Avon Energy Partners LLC	2000 E. 122nd St., Chicago	landfill biogas		3.3	110002453871	031600GBM
Bio Energy (Illinois), LLC	701 Green Bay Rd., Zion	landfill biogas			110012153828	097200ABC
Calumet Energy Team LLC	11653 S. Torrence Ave., Chicago	natural gas	400		110001350948	031600GHA
Crawford Electric Generating Station	3501 S. Pulaski Rd., Chicago	coal (sub)	586		110000434717	031600AIN
Devonshire Power Partners, LLC	138th St. and Cottage Grove Ave., Dolton	landfill biogas		5.5	110007262185	031069ABX
Fisk Electric Generating Station	1111 W. Cermak Rd., Chicago	coal (sub)	349	662.8	110000433905	031600AMI
Southeast Chicago Energy Project	3141 E. 96th St., Chicago	natural gas	350	407.2	110012514662	031600GKE

Trigen Peoples District Energy Smedley	2211 S. Martin Luther King Jr. Dr., Chicago	natural gas		3.3	110018199572	031600FVB
Waste Management of IL, CID Landfill	130 <sup>th</sup> St. and Stony Island, Chicago	landfill biogas				031600FHJ
Waukegan Station (Midwest Generation)	10 Greenwood Ave., Waukegan	coal (sub)	805	914.7	110000430178	097190AAC
Winnetka Electric Plant	725 Tower Rd., Winnetka	gas & fuel oil		33.4	110018263733	031333AAD
Zion Energy Center	5701 W. Ninth St., Zion	gas & fuel oil	480		110021292260	097200ABB

**EPA FRS** is the USEPA Federal Registration System Number, a centrally managed database that identifies facilities and sites subject to environmental regulations or of environmental interest.

**EPA SID** is the State ID number assigned by IEPA.

**Nom** is the nominal capacity of the generating units in megawatts (MW) obtained from permit data.

**NPR** is the nameplate rating in MW of a generator or other electric power production equipment under specific conditions designated by the manufacturer, usually indicated on a nameplate physically attached to the generator. It is the full-load continuous rating or initial capability of a piece of electrical equipment. Actual capability can vary due to age, wear, or conditions.

The Avon Energy Partners, LLC, Harbor View Landfill Electrical Plant is situated at a closed municipal solid waste landfill owned by Stony Island Reclamation and operated by the Land and Lakes Company. The source utilizes landfill gas (biogas) for the production of electricity and as capture to control landfill gas emissions. Avon Energy Partners, LLC is a separate corporate entity that has contracted with the Land and Lakes Company Harbor View Landfill to use the gas generated from the landfill. The electrical generation facility consists of five 987 kW gensets and a backup flare.

Bio Energy (Illinois), LLC contracted with Onyx-Zion Landfill, Inc. to use the gas generated from the landfill in its gas to energy facility. The gas to energy facility includes four existing, and one planned landfill gas fired internal combustion engine-driven generator sets (13.99 mmBtu/hr each). The landfill is located east of Green Bay Road. The energy facility is located just west of Green Bay Road.

The Calumet Energy Team Facility is a peaking power plant that utilizes two 200 MW Natural Gas or Distillate Fuel Oil Fired Turbines (2,080 mmBtu/hr) to generate electricity.

The Crawford Plant (Midwest Generation EME, LLC) operate two coal-fired utility boilers and associated steam turbine generators to produce electricity. The plant has a nominal capacity of 586 MW. The boilers have electrostatic precipitators for particulate matter control. The Crawford Plant is outside the ICMP boundary but is a major energy facility in serving the Chicago area.

Devonshire Power Partners, LLC contracted with the Land and Lakes Company, Inc. to use gas generated from landfills for the production of electricity and to control landfill gas emissions. Landfill gas is generated from the 138<sup>th</sup> St. landfills (Land and Lakes Landfill #1 and #2 - owned by MCM Land Co.) and the River Bend Prairie landfill (Dolton). Land and Lakes Company owns the River Bend Prairie landfill and operates all three landfills. The electrical generation facility consists of five 1,055 kW Jenbacher Energie Systems landfill gas fired gensets (9.96 mmBtu/hr per engine).

The Fisk Plant (Midwest Generation EME, LLC) operates one coal-fired utility boiler and associated steam turbine generator to produce electricity. The plant has a nominal capacity of about 349 MW. Other fuel materials, such as used oil generated at the source, may also be fired with coal in the boiler. The boiler has electrostatic precipitators to control particulate matter, and low NOx burners to control NOx.

The Southeast Chicago Energy Project is a peaker power plant that has eight simple cycle gas turbines (nominal plant capacity - 350 MWe, rated heat input 467 mmBtu/hr per turbine).

The Trigen Peoples District Energy Smedley facility includes three gas turbines, two package boilers and one heat recovery steam generator, all natural gas-fired. This facility is located just west of the Metra right of way outside the ICMP boundary.

The Waste Management of IL, Inc. CID Landfill facility burns landfill gas with three simple gas turbines with a rated heat input of 55 mmBtu/hr each.

The Waukegan Energy Facility (Midwest Generation EME, LLC) operates two coal-fired utility boilers and associated steam turbine generators with a nominal capacity of about 470 MW. The boilers have electrostatic precipitators for particulate matter control. The plant also has four oil-fired peaking turbines.

The Winnetka Electric Plant is a municipal power plant with four natural gas-fired boilers, with fuel oil backup, and two 2408 KW fuel oil-fired engines (25.6 mmBtu/hr each).

The *Zion Energy Center* operates three 160 MW natural gas turbines with fuel oil backup and low NOx combustors to generate electricity.

### **Deepwater Ports Including Terminals and Navigable Waterways**

- History of Port Development

The Illinois and Michigan canal in 1848, created an unbroken inland waterway from the Atlantic Ocean to the Gulf of Mexico. Shipping in Chicago expanded, even as the emerging railroad industry was eclipsing the era of canals. Port activities in the region remained centered on the Chicago River until well into the 20th century. In 1921, the Lake Calumet Harbor Act was passed authorizing the City to build a deep-water port at Lake Calumet. Regularly scheduled overseas shipping service was established in 1935. In 1946, Congress authorized the Calumet-Sag Project to facilitate barge traffic between Lake Michigan and the Illinois and Mississippi Rivers.

In 1951, the General Assembly created the Chicago Regional Port District to oversee harbor and port development. In 1952, the District was established as an independent municipal corporation with title to approximately 1500 acres of marshland at Lake Calumet. A plan released in 1953 called for construction of a turning basin, docks, grain elevators, and public terminals. The harbor, named the Senator Dan Doughty Harbor, opened in 1958. In 1960, Union Tank Car created an enlarged deep-water turning basin and additional slips along the east side of Lake Calumet and eventually built 91 liquid storage tanks with a combined capacity of 800,000 barrels. In 1972, Navy Pier officially ended commercial shipping. In 1978, the Port District acquired 190 acres at the mouth of

the Calumet River, built two new terminals sheds and rechristened the site "Iroquois Landing," giving the District a second major waterfront site for future development.

- The Calumet Harbor and River Project is located on the southwest shore of Lake Michigan about 11 miles southeast of Chicago Harbor in Chicago. Most of its breakwaters, harbor navigation channel, and anchorage areas, are located in Indiana. Construction and improvement of this navigation project was originally authorized in 1899. Today it consists of an outer harbor protected by a 6,714 feet long concrete capped timber crib breakwater to the north and northeast and a 5,007 feet long stone filled steel sheet pile detached breakwater to the northeast. The project also includes (a) a 29 feet deep by 3200 feet wide harbor approach channel, (b) a 28 feet deep by 3000 feet wide outer harbor channel and anchorage area and (c) a 27 feet deep by 290 feet wide river entrance channel. The Calumet River portion consists of a 27 feet deep navigation channel that runs about 7 miles inland to Lake Calumet and connects to the 9 feet deep Illinois Waterway Project at 130th Street. The harbor portion of the project was last dredged in 2000.
- Lake Calumet Harbor operations and terminals are located at the junction of the Grand Calumet and Little Calumet Rivers approximately 6 miles inland from Lake Michigan. The Lake Calumet Harbor, also referred to as the Port of Chicago, offers terminals that handle ocean and lake vessels as well as barges. The Lake Calumet Harbor is served by four railroads and has access to Interstates 90 and 94. The Illinois International Port District in Chicago is a Foreign Trade Zone, providing low-cost production and warehousing facilities for imported and export-bound products. The southwest quadrant of Lake Calumet consists of three transit sheds totaling over 315,000 square feet adjacent to approximately 3000 linear feet of ship and barge berthing space. It has two grain elevators with 14 million bushel capacity, and an 800 thousand barrel liquid bulk terminal. Lake Calumet Harbor handles liquid bulk, bulk grain, steel and scrap, aluminum, zinc, lead, sugar, cement, stone and stone products. Specializing in intermodal container service, Iroquois Landing is located at the mouth of the Calumet River at Lake Michigan, and is a 100 -acre, open paved terminal with 3000 linear feet of ship and barge berthing space with a navigational depth of 27 feet. There are two 110,000 square-foot transit sheds, with direct truck and rail access. There are 100 acres of adjacent property available for lease and development.
- The Chicago Harbor is located at the confluence of Lake Michigan and the Chicago River in Chicago. It was the former commercial port of Chicago and is now used mainly by pleasure boats. Some shipping enters the river through the locks here but the bulk of the City's lake commerce is now handled by the Calumet Harbor. A water filtration plant and Navy Pier is located 1 mile north of the Chicago River lock. Navy Pier was opened to the public in 1916. In World Wars I and II, it served as a naval training center. It is now an entertainment, recreation, and exposition center. Construction and improvement of Chicago Harbor began in 1833. The harbor includes a 970-acre outer basin protected by exterior breakwaters totaling 12,663 feet in length and a 224-acre inner basin protected by interior breakwaters totaling 6,578 feet in length. The project also includes a 29 feet deep approach channel, a 28 feet deep maneuvering channel and a 21 feet deep river entrance channel separated by the Chicago Harbor Lock. The lock's chamber is 80 feet wide by 600 feet long and 22.4 feet deep at its low pool elevation. The lock is operated 24 hours per day, seven days per week.
- Chicago River serves as a vital transport link between Lake Michigan and the Illinois River. Federal responsibility for improving navigation on the river began in 1899. By 1941, the river was transformed into its present configuration. The USACE Chicago District maintains the main and north branches which includes a 21 feet deep navigation channel from Rush Street to North Avenue. The south branch of the Chicago River is maintained by the USACE Rock Island District. It

consists of a 9 feet deep navigation channel connected to the Illinois River by the Chicago Sanitary and Ship Canal. Principal commodities transported on the river consist of sand, gravel, crushed rock, scrap iron, fuel oil, coal, and non-metallic minerals.

- Waukegan Harbor is located in Waukegan about 38 miles north of Chicago. Initial improvement of Waukegan Harbor began in the 1880s and was developed into its present configuration in 1966. The harbor is protected by a 1,894 feet long outer breakwater and two parallel jetties. The north jetty is 998 feet in length, and the south jetty is 3,225 feet in length. The harbor also includes a 390 feet wide by 22 feet deep navigation channel from Lake Michigan to the head of the north jetty and a 200 feet wide by 18 feet deep channel between the jetties leading to the inner basin. The inner basin is 18 feet deep and covers 13 acres. Dredging of the outer harbor channel was completed in 2003. Principal commodities entering the harbor include gypsum and cement. The harbor is also a popular recreational site.

Discovery of PCBs in Waukegan Harbor sediments has prevented dredging of the primary navigation channels since 1975. Dredging Waukegan Harbor in 1992 and 1993 removed 1 million pounds of PCBs from the Waukegan Harbor Area of Concern. Dredging approximately 4,000 cubic yards of sediment from Slip 1 in 2001 allowed ships to increase cargo loads from 30% to 70%.

Presently, Waukegan is working to enable an environmental dredge of the harbor.

### Energy Policy and Planning Authorities and Initiatives

Under the **Public Utilities Act** [220 ILCS 5/8-406], a Certificate of Public Convenience and Necessity (CPCN) is required for projects owned by a regulated public utility. It requires information on cost and needs prior to construction. The Illinois Commerce Commission (ICC) has authority for granting the CPCN for the construction of a new electric generating facility; it also reevaluates the propriety and necessity for the certificate at least every 3 years considering any changes in the plans for the utility and the state.

Subsection (b) of Section 8-406 "Certificate of Public Convenience and Necessity" cites the ICC's power to issue a CPCN, after a hearing, if it determines that the utility demonstrates the proposed construction is necessary to provide adequate, reliable, and efficient service to its customers and is the least cost means of satisfying service needs of its customers; the utility is capable of efficiently managing, and supervising the construction process, and has taken sufficient action to ensure adequate and efficient construction and supervision thereof; and the utility is capable of financing the proposed construction without significant adverse financial consequences for the utility or its customers.

Under the Public Utilities Act, "*public utility*" includes every corporation, company, limited liability company, or association that owns, controls, operates or manages, within this state, directly or indirectly, for public use, any plant, equipment or property used or to be used for or in connection with, or owns or controls any franchise, license, permit or right to engage in the production, storage, transmission, sale, delivery or furnishing of heat, cold, power, electricity, water, or light, except when used solely for communications purposes; the disposal of sewerage; or the conveyance of oil or gas by pipe line. "*Public utility*" does not include utilities that are owned and operated by any political subdivision, public institution of higher education, or municipal corporations.

While the ICC does not regulate non-public utility-owned electric generation, municipal electric companies or electric cooperatives, the ICC monitors the status of generators through contacts with



electric utilities and regional transmission organizations that operate in Illinois; PJM Interconnection, L.L.C. (PJM), and Midwest Independent Transmission System Operator, Inc. (MISO).

Subsection 8-406(c) of the Public Utilities Act provides that no construction shall commence on any new nuclear power plant, and no CPCN or other authorization shall be issued by the ICC, until the IEPA Director finds that the United States Government, through its authorized agency, has identified and approved a demonstrable technology or means for the disposal of high level nuclear waste, or until such construction has been specifically approved by a statute enacted by the General Assembly.

Under the Public Utilities Act, the ICC prepares an annual report on Electricity, Gas, Water and Sewer Utilities which includes review of significant decisions and other regulatory actions for the preceding year, an analysis of the state of each utility industry regulated by the ICC, and significant changes, trends and developments. The report includes a specific discussion of the energy planning responsibilities and activities of the ICC and energy utilities, including the extent to which conservation, cogeneration, renewable energy technologies and improvements in energy efficiency are being utilized by energy consumers, and a description of existing and proposed programs and policies designed to promote and encourage such utilization. The ICC also prepares annual reports on the Development of Natural Gas Markets in Illinois to analyze the status and development of retail natural gas market in the state.

Under the ***Department of Commerce and Economic Opportunity Law*** [20 ILCS 605], the Illinois Department of Commerce and Economic Opportunity (DCEO) may provide financial assistance for a newly constructed electric generation plant or new generation capacity expansion at an existing facility, including transmission lines and equipment. The DCEO is authorized to accept and use planning grants for planning assistance to municipalities, groups of adjacent communities having related planning problems resulting from rapid urbanization, and to official governmental planning agencies. This includes surveys, land use studies, urban renewal plans, and technical services.

The ***Illinois Resource Development and Energy Security Act*** [20 ILCS 688] specifically addressed utilizing the plentiful supply of Illinois coal and deploying advanced clean coal technology that allows high sulfur Illinois coal to be burned efficiently while meeting strict state and federal air quality limitations, such as through coal gasification. It also promoted renewable forms of energy as an important element of the energy and environmental policies of the state, providing a goal that at least 5% of the state's energy production and use be derived from renewable forms of energy by 2010 and at least 15% from renewable forms of energy by 2020.

The ***Illinois Power Agency Act*** [20 ILCS 3855] created an "Illinois Power Agency" with objectives which included developing electricity procurement plans to ensure adequate, reliable, affordable, efficient, and environmentally sustainable electric service at the lowest total cost over time, for electric utilities that on December 31, 2005 provided electric service to at least 100,000 customers in Illinois. The procurement plan included cost-effective renewable energy resources. A minimum percentage of each utility's total supply to serve the load of eligible retail customers, as defined in Section 16-111.5(a) of the Public Utilities Act, procured for each of the following years shall be generated from cost-effective renewable energy resources: at least 2% by June 1, 2008; at least 4% by June 1, 2009; increasing 1% each succeeding year, to at least 10% by June 1, 2015; and increasing by at least 1.5% each year thereafter to at least 25% by June 1, 2025. As available, at least 75% of the renewable energy resources shall come from wind generation. Provisions for reductions in renewable energy resources were included to limit the annual estimated average net increase due to the costs of these resources paid by

eligible retail customers.

#### Governor Executive Orders (EO) and Initiatives

Specifically addressed emerging energy policy issues and have provided financial incentives to assist in meeting policy objectives. In 2001, an EO created an Energy Cabinet, which developed an Illinois Energy Policy Report (2002), making 56 specific recommendations to achieve the goal of increasing use of Illinois natural resources and moderating demand as steps toward energy independence. In 2006, an EO created the Illinois Climate Change Advisory Group to consider a full range of policies and strategies to reduce greenhouse gas emissions by enhancing the use of wind power, biofuels and through energy efficiency. It targeted a six percent reduction in greenhouse gas emissions from governmental activities by 2010. In December of 2010, Governor Pat Quinn signed Executive Order 14 (2010) establishing the Illinois Coastal Management Program within the Illinois Department of Natural Resources. Executive Order 14 can be found in Appendix C.

#### State Regulations Specific to Energy Facilities

The preceding section described state requirements and initiatives for comprehensive energy policy and planning. This section identifies state statutes and administrative rules, which specifically address particular energy facilities or are an important regulatory component in planning for and siting of an energy facility. Obtaining an air pollution control permit is a major component in the ability to site fossil fuel electric generating facilities. ***Title II "Air Pollution" of the Environmental Protection Act*** contains Illinois' statutory air pollution regulations. Section 4 of the Environmental Protection Act designates IEPA as the air pollution agency for the state for all purposes of the Clean Air Act of 1970. A comprehensive air quality construction permit is required for a new major source of emissions or a major modification to existing source. The permit also implements the federal permit required by the Prevention of Significant Deterioration rules, administered by IEPA.

The ***Gas Storage Act*** [220 ILCS 15] provides that any corporation which is engaged in or desires to engage in, distribution, transportation, or storage of natural or manufactured gas, intended for ultimate distribution to the public in the state, shall have the right to enter upon, take or damage private property or any interest therein, in the manner provided for by eminent domain, necessary or convenient for its operations, including the storage of gas, all operations are hereby recognized and declared to be affected with a public interest and all of the property used declared for public use. No order is issued by the ICC unless proposed storage is confined to geological strata lying more than five hundred feet below soil surface, will not injure any water resources, and public convenience and necessity of a substantial portion of the gas consuming public will be served by acquisition.

The ***Gas Transmission Facilities Act*** [220 ILCS 25] authorizes the promotion of more efficient use and distribution of natural gas, including methane gas produced from municipal refuse and eliminates the necessity for construction of transmission facilities for gas produced or sought to be transported by a private energy entity separate from those which may already exist to serve the same area and are owned and operated by a public utility subject to the jurisdiction of the ICC. The ICC shall authorize construction of an interconnection by a private energy entity upon application of such entity if the ICC makes the findings required by Section 3 of this Act.

The ***Electric Supplier Act*** [220 ILCS 30] states it is in the public interest that, in order to avoid duplication of facilities and minimize disputes between electric suppliers which may result in inconvenience and diminished efficiency in electric service, any two or more electric suppliers may



contract, subject to ICC approval, the respective areas in which each supplier is to provide service.

The ***Illinois International Port District Act*** [70 ILCS 1810] required the Port District to adopt a comprehensive plan for the development and promotion of commerce to and from the District; to acquire, construct, own, lease and develop terminals, wharf facilities, piers, docks, warehouses, bulk terminals, grain elevators, tug boats and other harbor crafts, and any other port facility or port-related facility or service it finds necessary and convenient. The District shall study existing harbor plans and recommend to the appropriate governmental agency, changes and modifications that may be required to meet changing business and commercial needs.

The District has authority to issue permits for the construction of all wharves, piers, dolphins, booms, weirs, breakwaters, bulkheads, jetties, bridges or other structures of any kind; and to acquire, own, construct, sell, lease, operate, and maintain port and harbor, water, and land terminal facilities. The District may acquire and accept by purchase, lease, gift, grant or otherwise; any and all real property, whether a fee simple, absolute, or a lesser estate, or any right therein that may be useful for its purposes and provide for development of adequate channels, ports, harbors, terminals, port facilities, and terminal facilities adequate to serve the needs of commerce within the Port District.

The District may acquire by condemnation, property lying within the Lake Calumet area and any real property lying within 1/2 mile of the Calumet River or Lake Calumet and the whole of any parcel of real property adjacent to the river or lake which is wholly within the corporate limits of Chicago, even though part of such parcel may be more than 1/2 mile from the river or lake. The District may sell, convey, or operate any of its buildings, structures or other improvements located upon District property, including the right to grant easements and permits for its use.

### **Other State Regulations by Agency**

- IEPA Bureau of Water

An NPDES Permit is required prior to operation for discharge of wastewater to surface waters. The procedures for determining water quality based permit limitations for NPDES discharges to the Lake Michigan Basin are found at 35 IAC PART 352.

- Illinois Historic Preservation Agency

Consultation is required to request comments from the State Historic Preservation Officer concerning possible project effects on cultural resources (both structural and archaeological) for purposes as cited under the Section 106 of the National Historic Preservation Act and the *Illinois State Agency Historic Resources Preservation Act* [20 ILCS 3420].

- IDOT Division of Aeronautics

A *Determination of Obstruction Hazard* is required for construction of tall structures greater than 200 feet or located less than 20,000 feet from an airport.

- IDNR Office of Realty and Environmental Planning (OREP)

Requires *Endangered Species/Natural Areas Consultation* for state agencies/local governments that authorize, fund, or perform actions altering environmental conditions, and which must use their authority to avoid or minimize adverse impacts. The Illinois Wetland Policy Act of 1989 [20 ILCS 830] requires that all projects receiving state support meet the state goal of no overall net loss to Illinois' existing wetland acres.

- IDNR Office of Water Resources (OWR)

Issues permits for work in and along the rivers, lakes, and streams, including Lake Michigan; for activities in and along the public waters; for the construction, operation and maintenance of new dams. The standard joint application form includes copies for the USACE and the IEPA. OWR also administers Illinois' allocation of water from Lake Michigan.

IDNR participates in the Great Lakes Wind Collaborative, a regional body coordinating the development of wind resources. In addition state policy guidelines are under development governing the siting of offshore wind projects in Illinois coastal waters.

### **Public Participation and Consideration of the National Interest in the Energy Facility Siting Process**

Although the major role regarding energy facility siting lies with the Illinois Commerce Commission (ICC), the proper hearing of concerns of local citizens and governments and federal interests is essential to ensure provision of reliable energy sources in an environmentally sound manner. Development of the ICMP thus has involved substantial input from both local and federal entities throughout the policy development and review phases. Federal government contacts were provided copies of all working documents for review. Comments pursuant such reviews were incorporated into the draft document.

Consideration of the national interest is currently, and will continue to be, provided for through federal agency review during permit and certification processes as in the case of local citizen and governmental participation. Opportunities for the public and federal agencies to participate in the energy facility planning process are available at multiple steps of the regulatory process. Citizens can comment on proceedings at the Illinois Commerce Commission who must issue a "Certificate of Public Convenience and Necessity" which is required prior to construction. Additionally other permits are required from IDNR and IEP that also have public notice and comment requirements.

### **Public Utilities Act (220 ILCS 5/2-107).** (from Ch. 111 2/3, par. 2-107)

*"The Commission shall hold stated meetings at least once a month and may hold such special meetings as it may deem necessary at any place within the State. At each regular and special meeting that is open to the public, members of the public shall be afforded time, subject to reasonable constraints, to make comments to or to ask questions of the Commission.*

*The Commission shall provide a web site and a toll-free telephone number to accept comments from Illinois residents regarding any matter under the auspices of the Commission or before the Commission. The Commission staff shall report, in a manner established by the Commission that is consistent with the*

*Commission's rules regarding ex parte communications, to the full Commission comments and suggestions received through both venues before all relevant votes of the Commission.*

*The Commission may, for the authentication of its records, process and proceedings, adopt, keep and use a common seal, of which seal judicial notice shall be taken in all courts of this State; and any process, notice, order or other paper which the Commission may be authorized by law to issue shall be deemed sufficient if signed and certified by the Chairman of the Commission or his or her designee, either by hand or by facsimile, and with such seal attached; and all acts, orders, proceedings, rules, entries, minutes, schedules and records of the Commission, and all reports and documents filed with the Commission, may be proved in any court of this State by a copy thereof, certified to by the Chairman of the Commission, with the seal of the Commission attached"*

*Notwithstanding any other provision of this Section, the Commission's established procedures for accepting testimony from Illinois residents on matters pending before the Commission shall be consistent with the Commission's rules regarding ex parte communications and due process.*

*(Source: P.A. 95-127, eff. 8-13-07.*

